



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Report of Successor Administrator of Insolvent Estate: Request for Discharge

DOD: 5/1/2003		PUBLIC ADMINISTRATOR , Successor Administrator appointed on 2/14/2005, is Petitioner.		NEEDS/PROBLEMS/COMMENTS:	
Cont. from					
	Aff.Sub.Wit.				
	Verified				
	Inventory				
	PTC				
	Not.Cred.				
✓	Notice of Hrg				
✓	Aff.Mail	W/			
	Aff.Pub.				
	Sp.Ntc.				
	Pers.Serv.				
	Conf. Screen				
	Letters	022205			
	Duties/Supp				
	Objections				
	Video Receipt				
	CI Report				
	9202				
✓	Order				
	Aff. Posting				
	Status Rpt				
	UCCJEA				
	Citation				
	FTB Notice				

Petitioner states: <ul style="list-style-type: none"> RANDY GUERRA, son and former Administrator, was removed by the Court on 2/14/2005 for his failure to file an account; Upon Petitioner's appointment, Deputy Nina Acosta conducted an investigation into this estate by reviewing the Court file and communicating with the office of the former administrator's <i>[former]</i> attorney, Jeff Shepard <i>[Order Granting Attorney's Motion to be Relieved as Counsel was filed 12/6/2004]</i>; Deputy Acosta learned that Decedent had 3 sons: former Administrator, RANDY GUERRA, JOHN GUERRA <i>[DOD 12/21/2010]</i>, and RONALD GUERRA, JR.; The estate assets consisted of real property and furniture and furnishings, as indicated on the <i>Inventory and Appraisal</i> filed 12/23/2003; RANDY GUERRA sold the Decedent's real property in January 2004; he did not file a <i>Notice of Proposed Action</i> because the other two heirs waived notice; Jeff Shepard's secretary reported that the funds were to be deposited into a joint account with Mr. Shepard and Randy Guerra; instead, Randy Guerra took the money and is now missing; Petitioner does not know what happened to the furniture, but is informed that there are no assets presently in the estate; Mr. Shepard attempted to contact Randy Guerra through his brothers without success; Mr. Shepard petitioned to be relieved as counsel, which was granted on 12/6/2004 because he was unable to communicate with his client; Mr. Shepard attempted to find Randy Guerra, including by use of a private investigator; in addition, this Court tried to serve Randy Guerra four times with an Order to Show Cause through the Fresno County Sheriff's Department; all attempts were unsuccessful; 	Reviewed by: LEG Reviewed on: 2/11/14 Updates: Recommendation: File 1 – Guerra
--	---

~Please see additional page~

Petitioner states, continued:

- In 2007, the Public Administrator skip-traced Randy Guerra, but could not locate him; in 2012, he tried to locate Randy Guerra; using TLO Search, the Public Administrator determined Randy Guerra's last known address in Clovis, and he traveled to that address, but Randy Guerra did not live there and the tenant who lived there did not know anything about him;
- By all reports, the former administrator is or was a drug addict; there is no reason to believe that there are any assets from which to recover the funds he misappropriated from the estate;
- Because there are no assets of which the Public Administrator can take possession, he does not have the resources to pursue Randy Guerra beyond what has already been done;
- In addition, Petitioner is unable to file a final account in this estate, except to state what he already has regarding the two assets listed on the Inventory and Appraisal;
- Therefore, Petitioner requests that this estate be closed and he be discharged as Successor Administrator of the estate.

Petitioner prays for an Order:

1. Settling, allowing and approving the final report as filed, and proceedings of Petitioner as Successor Administrator be confirmed and approved;
2. Finding that **RANDY GUERRA** as former Administrator of this estate, is personally liable to the beneficiaries, **JOHN GUERRA** [DOD 12/21/2010], and **RONALD GUERRA, JR.**, his former attorney Jeff S. Shepard, and the Court for any outstanding costs in the amount of **\$115,500.00**, as declared by the former Administrator in the *Inventory and Appraisal* he filed on 12/23/2003.

Note: *Judgment* filed on 1/20/2006 finds that a judgment against **RANDY GUERRA**, former Administrator of the Decedent's estate, is hereby issued in the amount of **\$63,539.22**, which is twice the value of the proceeds from the sale of real property belonging to the estate that was wrongfully taken by him.

**Amended Waiver of Accounting and Petition for Final Distribution and for
Allowance of Compensation**

DOD: 11-17-07		BRENT WISE , Son, is Petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Petitioner Brent Wise has not been appointed as Successor Administrator and therefore has no standing to bring this petition. Brent Wise will first need to be appointed as Successor Personal Representative. 2. The original petition for probate alleged \$13,033.80 in personal property assets. However, I&A filed 3-14-08 indicated "various household furnishings and personal effects" valued at \$500.00 by the Administrator Jack Wise, rather than by the Probate Referee as required by Probate Code §8900. The Court may require clarification regarding the discrepancy in the amounts, and may require amended appraisal in accordance with applicable law. 3. Petitioner requests distribution to himself as the heir of both this decedent and the former Administrator/spouse of the decedent, who is entitled to a 1/2 share of this estate. However, Pursuant to Probate Code §11802, distribution to a post-deceased heir must be made to the personal representative of his estate. Court records show that Petitioner was appointed as Executor of his father's estate on 10-2-13 in 13CEPR00643. <u>Therefore, need amended distribution.</u> 4. Petitioner includes a fee computation of \$20.00 based on the Administrator's value assigned to personal property assets in the I&A. Petitioner does not appear to request payment, but does appear to reduce the proposed distribution by \$20. <u>Need clarification:</u> If the assets on hand consist solely of personal property items rather than cash, as stated, how is the distribution reduced by \$20? Who is \$20 to be paid to? Pursuant to Probate Code §12205, compensation may be reduced due to delay in closing the estate. 5. <u>Need order.</u>
		JACK WISE , Spouse, was appointed as Administrator with Full IAEA without bond on 3-25-08.	
	Aff.Sub.Wit.		
✓	Verified		
✓	Inventory	X	
✓	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters	X	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order	X	
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
N/A	FTB Notice		

Petition for Probate of Will and for Letters Testamentary; Authorization to
Administer Under IAEA (Prob. C. 8002, 10450)

DOD: 09/11/13		CHERYL R. MILLER , named Executor without bond, is Petitioner. Full IAEA – OK Will dated 07/06/13 Residence: Kerman Publication: The Kerman News <u>Estimated Value of the Estate:</u> Personal property - \$15,730.00 Real property - 51,000.00 Total - \$66,730.00 Probate Referee: STEVEN DIEBERT	NEEDS/PROBLEMS/COMMENTS: <u>Note:</u> Status hearings will be set as follows: <ul style="list-style-type: none"> • Friday, 07/11/14 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u> • Friday, 04/10/15 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution. Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter, the status hearing will come off calendar and no appearance will be required.	
Cont. from				
<input type="checkbox"/>	Aff.Sub.Wit.			s/p
<input checked="" type="checkbox"/>	Verified			
<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
<input type="checkbox"/>	Not.Cred.			
<input checked="" type="checkbox"/>	Notice of Hrg			
<input checked="" type="checkbox"/>	Aff.Mail			w/
<input checked="" type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			
<input type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: JF Reviewed on: 02/11/14 Updates: Recommendation: SUBMITTED File 9 – Harold	